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09/990,025	11/21/2001	Travis J. Parry	10008081-1	2759

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HEWLETT-PACKARD COMPANY
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EXAMINER

LIN, KELVIN Y

ART UNIT	PAPER NUMBER
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2142

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/990,025

Applicant(s)

PARRY, TRAVIS J.

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Response to Arguments

Applicant's arguments, see Remarks pages 6-10, filed on 10/24/06, with respect to the rejection(s) of claim(s) 1-20 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Escobosa et al., (PGPUB No. 2003/0151538).

Response to Amended Claims

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-7, 9-13, 15-20 are rejected under 35 USC 102(e) as being anticipated by Escobosa et al., (PGPUB No. 2003/0151538).
2. Regarding claim 1, Escobosa teaches an imaging device comprising:
 - a network interface adapted for coupling to a network (Escobosa,

[0047], fig. 1);

- a processing facility, wherein the processing facility is adapted to request a device configuration to upgrade an internal configuration of the imaging device from a second image device through the network interface in response to receiving an external upgrade command through the network interface from an external management facility and a network location of the second imaging device (Escobosa, [0047], from the user imaging device it transmits the configuration and download to the remote control for upgrade the remote control according the request after the shipping)

3. Regarding claim 2, Escobosa further discloses the imaging device of claim 1, wherein the device configuration from the second imaging device is requested from a storage location that is selected from the group consisting of: the second imaging device, a local network site, a remote network site, a website, a server, and a third imaging device (Escobosa, fig. 1, the database selected from the second image device includes a plurality of function for a consumer electronic device).
4. Regarding claim 3, Escobosa further discloses the imaging device of claim 1, wherein the external upgrade command is given by a management facility which resides on a platform that is selected from the group consisting of: a workstation,

a server, a network device, a management interface on the imaging device, an embedded webserver in an imaging device, and a master imaging device (Escobosa, [0049], in which the screen associated with the upgrade/download giving by a supplier site and stored in the image device).

5. Regarding claim 4, Escobosa further discloses the imaging device of claim 1 wherein the device configuration from the second imaging device is selected from a group consisting of at least one of: firmware code, software code, supplemental data, and a configuration parameter (Escobosa, [0047]; the desired functions [66] in fig.1).
6. Regarding claim 5, Escobosa further discloses the imaging device of claim 4, wherein the device configuration from the second imaging device comprises at least one configuration parameter, where a mask is applied to the at least one configuration parameter to exclude portions thereof from being changed on the imaging device while being upgraded (Escobosa, [0044], provides the selectable features).
7. Regarding claim 6, claiming for a computer-usable medium having computer-readable instruction stored thereon for execution by a processor to perform a method (Escobosa, [0019]) and have the limitations corresponding to imaging device claims 1-5. Therefore, claim 6 is rejected for the same reason set forth in the rejection of claim 1-5.
8. Regarding claim 7 has limitations corresponding to claim 4. Therefore, claim 7

is rejected for the same reasons set forth in the rejection of claim 4.

9. Regarding claim 9 has similar limitations as claim 3. Therefore, claim 9 is rejected for the same reasons set forth in the rejection of claim 3.

10. Regarding claim 10, Escobosa further discloses the method of claim 9 further comprising:

- retrieving the configuration of an imaging device similar to the list of imaging devices with the management facility, wherein the similar imaging device shares a common configuration, firmware, software, or supplemented information with the list of imaging device; (Escobosa, [0047], in which the database includes a plurality of functions for each selectable device); and
placing the configuration at the network location (Escobosa, [0047], and fig. 1, element 30.).

11. Regarding claim 11, claiming for method of software code, has limitations corresponding to imaging device claim 4. Therefore, claim 11 is rejected for the same reasons set forth in the rejection of claim 4.

12. Regarding claim 12, claiming for method has limitations corresponding to device claim 5. Therefore, claim 12 is rejected for the same reasons set forth in the rejection of claim 5.

13. Regarding method claim 13, claiming for software, has limitations corresponding to device claim 3. Therefore, claim 13 is rejected for the same reasons set forth

in the rejection of claim 3.

14. Regarding method claims 15, 16 have limitations corresponding to device claims 1-3. Therefore, claims 15, 16 are rejected for the same reasons set forth in the rejection of claims 1-3.
15. Regarding method claim 17 has limitations corresponding to device claim 3. Therefore, claim 17 is rejected for the same reasons set forth in the rejection of claim 3.
16. Regarding upgrading claim 18 has limitations corresponding to method claim 10. Therefore, claim 18 is rejected for the same reasons set forth in the rejection of claim 10.
17. Regarding upgrading claim 19 has limitations corresponding to method claim 9. Therefore, claim 19 is rejected for the same reasons set forth in the rejection of claim 9.
18. Regarding claim 20, Escobosa further discloses the method of claim 15, wherein the imaging device selects an appropriate version of the desired configuration from the network location to match its type (Escobosa, [0032]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2142

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 8, and 14 are rejected under 35 USC 103(a) as being unpatentable over Escobosa in view of Wysoczynski (PGPUB No. 2002/0083156)

20. Regarding claim 8, Escobosa do not specifically teach the method of updating device configuration for image device connected to a network.

However, Wysoczynski discloses a method of updating device configuration for imaging devices connected to a network, comprising:

- defining a list of similar imaging devices connected to the network, wherein the similar imaging devices share a common configuration, firmware, software, or supplemental information (Wysoczynski, [0036], and fig. 2, the server 260 lists the similar devices, device 1 and device2 had loaded the image and configuration files from the first TFTP server 260).);
- defining a network location associated with desired configuration for the list of similar imaging devices (Wysoczynski, [0036], image and configuration information is located on the second TFTP server 280. In this scenario, updated image and configuration files can be stored on either server 260 or 280, or any other server that may be connected to the network. The new names of the update files can be loaded onto the devices 210 and 230);

and

- directing each imaging device of the list of similar imaging devices with an external management facility to retrieve the configuration from the network location (Wysoczynski, [0037], desired parameters such as: TFTP server (IP address), image version, configuration file name, new IP address of the device and default gateway IP address from the external server corresponding to the external management facility).

Because knowing that Wysoczynski's method for recovering the Imaging device on the network provides the properly configuration, which can be incorporated with Escobosa's customizable and upgradable remote contro set their respective configurations, provide information to the remote control, it would have been obvious to use Wysoczynski's method of configuration incorporates with Escobosa's upgrade and download configuration. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention.

21. Regarding claim 14, Wysoczynski further discloses the method of claim 10, further comprising: periodically checking for changes in configuration, and if a change is noted, initiating a follow-up update (Wysoczynski, [0040]).

Conclusion

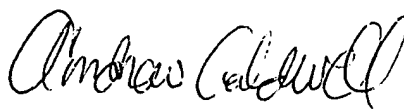
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898.

The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1/15/07
KYL



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER